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EXAMINER

LEWIS, DAVID LEE

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 17

Application Number: 09/497,914
Filing Date: February 04, 2000
Appellant(s): ANDREWS ET AL.

Peter M. Ullman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/6/2002.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-53 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

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(9) Prior Art of Record

5,442,376	Tannenbaum et al.	8-1995
5,157,384	Greanias et al.	10-1992
6085265	Kou	7-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

I. Claims 3, 14, 23, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tannenbaum et al. (5442376), Greanias et al. (5157384) incorporated by reference.

II. As in claim 3, Tannenbaum et al. teaches of a computer peripheral comprising: a plurality of human-actuated controls, figure 6 items 130-138 (Greanias); non-volatile memory containing control mappings corresponding to a plurality of application program genres, figure 2 item 26, column 5 lines 55-65, and figure 6 items 207 (all in Greanias), the control mappings indicating actions to be performed in application programs of particular genres in response to respective ones of the human-actuated controls, column 6 lines 7-50, column 7 lines 1-17. Wherein human actuated controls are the various input devices. Wherein a plurality of customizable user profiles are equivalent to said mappings for a plurality of application programs, wherein a plurality of profiles are arranged for all or a particular application, said user profile comprising control mappings/semantics, said particular application representing a specific type of application or as broadly interpreted a genre, column 9 lines 40-45, column 10 lines 5-23 (Greanias). An application program genre is defined by the applicant on page 9 lines 19-23 of the specification as a collection of games (applications) having similarities in operation and input device usage. Equivalently the user profile 107 contains commands which are common to several of the application programs, and the system may comprise a plurality of user profiles wherein a separate user profile exists for each user. Therefore sets of mappings for each genre (user profile) obviously exist, whereby a genre corresponds to the group of applications specific to a given user. While Tannenbaum is silent as to the specific language comprising a plurality of applications genres they obviously implicitly teach of said genres as

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viewed from a broad interpretation, given the applicants definition of genre as a collection of games. Games are interpreted by the Examiner as being equivalent to application programs. **Further, as Amended on 8/5/2002**, wherein each of said genres comprising a set of semantics and not including commands interpretable by the application programs, column 4 lines 14-27, column 12 lines 1-3. Said limitation is also taught by Tannenbaum et al., wherein the user profile is interpretable by the environmental link and not the application programs, column 12 lines 1-3. **The environmental link sends the processed information to the application, Greanias et al., column 4 lines 14-27, except when the command or processed information is globally inhibited, column 12 lines 1-3.**

III. **As in claim 14**, Tannenbaum et al. teaches of a method comprising: defining a plurality of application program genres, column 6 lines 25-32, wherein as broadly interpreted each program of a specific type represents a genre containing only that one program; running an application program that has been classified as a particular application program genre, wherein the application program is responsive to a plurality of human-actuated controls on a control device, column 9 lines 42-54 (Greanias) wherein the genre comprised of one program also runs an application profile in addition to the user profile, said application and user profile's are responsive to input commands, column 6 lines 4-45; querying the control device to obtain a genre descriptor, the genre descriptor indicating actions to be performed by an application program of said particular application program genre in response to respective ones of the human actuated controls, column 6 lines 4-45, (Tannenbaum), column 9 lines 46-54 (Greanias), wherein optical information such as an alphanumeric explanation of the input event and corresponding commands is also included in the profiles for presentation in a control panel, wherein input messages which would normally go directly to the active application are intercepted and handed to a provider for recognition and mapping translation, and then give to the application, figures 4 and 5 (Greanias). Therefore sets of mappings for each genre (user profile) obviously exist. Wherein while Tannenbaum is silent as to the specific language comprising a plurality of applications genres they obviously implicitly teach of said genres as viewed from a broad interpretation. Further, as Amended, wherein each of said genres comprising a set of semantics and not including commands interpretable by the application programs. Said limitation is also taught by Tannenbaum et al., wherein the user profile is interpretable by the environmental link and not the application programs. The environmental link then sends the processed information to the application, Greanias et al., column 4 lines 14-27, column 12 lines 1-3, except when the command is globally inhibited.

IV. **As in claim 23**, Tannenbaum et al. teaches of a computer-readable storage medium containing system service utilized by an application program to interact with a control device having a plurality of human-actuated controls, figure 6

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items 130-138 (Greanias), wherein the system services perform acts comprising: receiving a request from an application program for a genre description corresponding to one of a plurality of application program genres, figure 8 item 271, 285 (Greanias); querying the control device to obtain a genre descriptor, the genre descriptor indicating actions to be performed by an application program of said one of a plurality of application program genres in response to respective ones of the human-actuated controls, figure 8 item 268 (Greanias); returning the obtained genre descriptor to the requesting application program, figure 8 item 285 (Greanias). Therefore sets of mappings for each genre (user profile) obviously exist for the same reasons of obviousness as applied above. Wherein while Tannenbaum is silent as to the specific language comprising a plurality of applications genres they obviously implicitly teach of said genres as viewed from a broad interpretation. Further, as Amended, wherein each of said genres comprising a set of semantics and not including commands interpretable by the application programs. Said limitation is also taught by Tannenbaum et al., wherein the user profile is interpretable by the environmental link and not the application programs. The environmental link then sends the processed information to the application, Greanias et al., column 4 lines 14-27, column 12 lines 1-3, except when the command is globally inhibited.

V. As in claim 36, Tannenbaum et al. (Greanias et al. incorporated by reference) teaches of a method of using an input device connected to a computing device with software executable on said computing device, said method comprising the acts of: running an application program which is responsive to input, column 1 lines 35-40; querying a control device having a plurality of human-actuated controls, said control device storing a descriptor indicating actions to be performed by application programs in said particular application program in response to said human-actuated controls, column 6 lines 27-33, wherein said query is performed in part by intercepting control device signals sent to the application; obtaining, in response to said querying act, said descriptor, figure 7 items 227 and 229 (Greanias); and generating input to said application program in accordance with said descriptor, figure 7 item 231 (Greanias). However Tannenbaum et al. does not explicitly teach of said application program being classified as a particular one of a plurality of application program genres. While Tannenbaum et al. does not explicitly teach of said application program genres, he implicitly teaches of application programs being classified into genres as would be obvious to the skill artisan, given the fact that the interface module is comprised of "sets" of application profiles and the user profiles, column 7 lines 65-68. The term "sets" denotes a classification based on a set comprised of a plurality of profiles containing input device mappings. Further, the user profile contains commands which are common to several of the application programs, column 10 lines 5-10. Given the Applicant's definition of an application program genre: "*a collection of games having similarities in operation and input device usage*", the user profile can broadly be interpreted as an application program genre because it represents input device mappings having similarities or

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common commands to several of the application programs, said user profile being grouped in sets as mentioned above. Further the system may also comprise a plurality of user profiles wherein a separate user profile exists for each user. Therefore sets of mappings for each genre (user profile) exist, and given the additional fact that Greanias teaches of a multiple application system with multiple input devices, it would have been obvious to the skilled artisan that the "sets" as taught by Greanias would correspond to application program genres because "sets" denotes a classification and it would support system organization to group application programs by their similar input device usage in correspondence with the function of the user profiles operating on the system, as found in claim 36. Further, as Amended, wherein each of said genres comprising a set of semantics and not including commands interpretable by the application programs. Said limitation is also taught by Tannenbaum et al., wherein the user profile is interpretable by the environmental link and not the application programs. The environmental link then sends the processed information to the application, Greanias et al., column 4 lines 14-27.

VI. Claims 4-13, 15-22, 24-31, 37-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tannenbaum et al. (5442376), Greanias et al. (5157384) incorporated by reference, in view of Kou (6085265).

VII. As in claim 45, Tannenbaum et al. (Greanias incorporated by reference) teaches of a method of enabling the use of an application program that executes on a computing device with a control device having human actuated controls, said method comprising the acts of: defining a plurality of application program genres, column 10 lines 45-65 (Greanias); creating a genre descriptor, said genre descriptor indicating, for each one of said plurality of application program genres, actions to be performed by application programs in the respective application program genres in response to said human actuated controls, column 10 lines 45-65 (Greanias); Wherein the same reasons of obviousness as applied to claim 36 are applicable here. However Tannenbaum does not teach of storing said genre descriptor in a memory of said control device, said memory being communicatively coupleable to said computing device whereby said genre descriptor is accessible to said computing device. Kou teaches of storing input device descriptor information sent from a system computer to the input device, which supports bidirectional USB communication, by way of an "output report" to support its output features, column 5 lines 5-20, lines 60-65. As shown in figure 6 item 203, Greanias teaches of an Alternative Input Subsystem, for the purpose of allowing many types of devices to be coupled as peripherals. As well known and suggested by Kou, a main objective of the USB architecture is to allow many types of devices to be coupled as peripherals, column 2 lines 45-50. Therefore it would have been obvious to the skilled artisan to modify the user interface system as taught by

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Greanias by replacing the Alternative Input Subsystem with a USB subsystem because USB is a well known alternative that achieves the same objective in connectivity. Further, Kou teaches a USB input device of an HID class which functions by enablement of bidirectional communication with the personal computer host, column 5 lines 60-65, which obviously stores "output reports" to support its device features, said "output reports" being comprised of HID descriptors. Wherein it would have also been obvious to the skilled artisan to utilize a bidirectional communicating input device as a well known alternative in the art of input devices, within the system as described by Tannenbaum, as found in claim 45. Further, as Amended on , wherein each of said genres comprising a set of semantics and not including commands interpretable by the application programs. Said limitation is also taught by Tannenbaum et al., wherein the user profile is interpretable by the environmental link and not the application programs. The environmental link then sends the processed information to the application, Greanias et al., column 4 lines 14-27.

VIII. As in claims 4-6, Greanias teaches of the invention as applied above to claim 3, however Greanias is silent as to said computer peripheral device being a USB device. Greanias teaches of an alternative input system, figure 6 item 203, which could obviously include any well known input subsystem such as that provided for by the USB architecture, wherein multiple peripheral devices may be attached as input devices given the USB architecture is an agreed upon industry standard. Kou teaches of a system for handling the attachment of USB devices that could obviously be incorporated into the device as taught by Greanias, because Greanias suggests any alternative input subsystem that provides an interface description which allows the designers of new user friendly input devices to seamlessly interconnect with the advance user interface, as would be provided for by the USB architecture, and Kou's main objective for the USB architecture is to allow many types of devices to be coupled as peripherals, column 2 lines 45-50. Kou teaches wherein the computer peripheral is a USB device and contains device class descriptions of the human actuated controls in a format specified by the USB device class definition for human interface devices (HIDs), column 7 lines 10-41, wherein the control mappings containing references to HID identifiers for the respective human-actuated controls, would be implemented as a result of modifying the system of Greanias to the USB architecture, wherein the output reports will define the format of the data transmitted from the host computer to the HID, because the host software preferably supports the bi-directional communication according to the Input and Output Reports. The user profile 107 as taught by Greanias containing the commands which are common to several of the application programs would obviously be communicated according to the Input and Output Reports, wherein said claims language would have been obvious over Tannenbaum/Greanias being implemented in the USB architecture as suggested by Kou, column 2 lines 57-67.

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Further as in claims 7, 8, 15, 17, 24, 26, 37, 39, 46, and 48, Kou teaches of said bi-direction communication from host to USB device, which transmits Input and Output reports according to the HID/USB standard, column 5 lines 10-35, are transferred within data packets, column 12 lines 3-26, wherein as Greanias is implemented in the USB architecture with an HID as suggested by Kou, said control section indicating string indexes for the respective controls, and a genre section indicating the control mappings for the respective application program genres, is the obvious result. **As in claims 10, 11, 19, 20, 28, 29, 41, 42, 50, and 51**, Greanias (figure 5), and Tannenbaum et al. (figures 6 and 7), teaches of said string indexes for the respective controls as well as said graphic overlays that identify the human actuated controls on the computer peripheral, Greanias (figure 5), and Tannenbaum et al. (figures 6 and 7), wherein said coordinate information is inherent to the input device control data necessarily including graphical input control data, in the device of Tannenbaum et al. implemented in the USB architecture as suggested by Kou. **As in claims 9, 12, 18, 21, 27, 30, 40, 43, 49, and 52**, Kou teaches of said bi-direction communication from host to USB device, which transmits Input and Output reports according to the HID/USB standard, column 5 lines 10-35, are transferred within data packets, column 12 lines 3-26, wherein packets as shown in figure 8 comprise a number of information subunits in addition to said header, further wherein Kou teaches of packet communication to request from the operating system inquiring as to the number of USB devices which are coupled to a port, column 10 lines 11-23, returning the number of devices, wherein said header section, control section, genre section and diagram section, are results of Tannenbaum et al. implemented in the architecture of USB as suggested by Kou. **As in claims 13, 22, 31, 44, and 53**, Tannenbaum in view of Kou and USB architecture, as suggested by Kou teaches of the memory further containing one or more graphics images that identify the locations of the controls on the computer peripheral, column 7 lines 45-56, wherein serial data packets are written into memory. **As in claim 16, 25, 38, and 47**, Tannenbaum in view of Kou and USB architecture, as suggested by Kou teaches of retrieving descriptors, column 2 lines 45-57, column 7 lines 20-55, column 8 lines 11-30.

IX. Claims 1, 2, and 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kou (6085265) in view of Tannenbaum et al. (5442376), Greanias et al. (5157384) incorporated by reference.

X. As in claim 1, Kou. teaches of a game control device that conforms to Universal Serial Bus (USB) device class definitions for Human Interface Devices (HIDs), column 1 lines 22-26, column 2 lines 1-15, comprising: a plurality of human-actuated controls, column 2 lines 45-50; one or more HID descriptors that describe aspects of the human-actuated controls, the HID descriptors associating HID string indexes with the respective human-actuated controls, column 7 lines 22-

40; However Kou does not teach of control mappings corresponding to a plurality of application program genres, the control mappings indicating actions to be performed in application programs of particular genres in response to respective ones of the human-actuated controls, wherein the control mappings identify controls by their HID string indexes. Tannenbaum et al. teaches of said control mappings corresponding to plurality of application program genres for the same reasons of obviousness as applied above to claim 45. Wherein it would have been obvious for the skilled artisan to combine the inventions as taught by Kou and Tannenbaum because Tannenbaum teaches of a system comprising a plurality of human-actuated controls suitable for USB connectivity, and Kou teaches of an input device suitable for the device as taught by Tannenbaum. Therefore as mentioned above, sets of mappings for each genre (user profile) exist, and given the additional fact that Greanias teaches of a multiple application system with multiple input devices, it would have been obvious to the skilled artisan that the "sets" as taught by Greanias would correspond to application program genres because "sets" denotes a classification and it would support system organization to group application programs by their similar input device usage in correspondence with the function of the user profiles operating on the system. Further, as Amended, wherein each of said genres comprising a set of semantics and not including commands interpretable by the application programs. Said limitation is also taught by Tannenbaum et al., wherein the user profile is interpretable by the environmental link and not the application programs. The environmental link then sends the processed information to the application, Greanias et al., column 4 lines 14-27. **As in claim 2**, Tannenbaum teaches of the control mappings being indicated in data sets comprising: a control section indicating the HID string indexes for the respective controls, figure 6; a genre section indicating actions to be performed in application programs of particular genres in response to respective ones of the human actuated controls, fig. 7.

XI. As in claim 32, Kou teaches of a data transmission medium carrying a data structure comprising: a information section indicating the number of human-actuated controls on a computer peripheral, column 10 lines 11-24; a control section indicating HID string indexes for the respective controls on the computer peripheral, column 8 lines 1-26. However Kou is silent as to said header section indicating the number of application program genres for which control mappings exist in the data structure, or a genre section indicating control mappings for the respective application program genres. Tannenbaum et al. teaches of a method and system to recognize input events from a plurality of input devices, wherein they teach of genre mappings to a plurality of applications by way of its interface and user profiles, column 6 lines 18-36. Tannenbaum et al. also teaches of utilizing an alternative input subsystem, figure 6 item 203 (Greanias). An alternative input subsystem well known in the art operates based on the USB architecture, as suggested by Kou. Both systems of Kou and Tannenbaum teach of a system and

method for establishing communication between a host computer and a peripheral device. Kou's system operates by transmitting formatted data packets, such as HID report descriptors to the host computer via a USB architecture. Integrating the application program genres as taught by Tannenbaum into the USB architecture as taught by Kou would have been obvious to the skilled artisan given Tannenbaum suggests the need for an alternative input subsystem and Kou provides such a subsystem. Wherein Kou teaches of said bi-direction communication from host to USB device, which transmits Input and Output reports according to the HID/USB standard, column 5 lines 10-35, are transferred within data packets, column 12 lines 3-26, wherein packets as shown in figure 8 comprise a number of information subunits in addition to said header, further wherein Kou teaches of packet communication to request from the operating system inquiring as to the number of USB devices which are coupled to a port, column 10 lines 11-23, returning the number of devices, wherein said header section, control section, genre section and diagram section, are results of Tannenbaum et al. implemented in the architecture of USB as suggested by Kou. Further wherein said header section indicating the number of application program genres for which control mappings exist in the data structure, or a genre section indicating control mappings for the respective application program genres are the result of Tannenbaum et al. implemented in the architecture of USB as suggested by Kou. Further, as Amended, wherein each of said genres comprising a set of semantics and not including commands interpretable by the application programs. Said limitation is also taught by Tannenbaum et al., wherein the user profile is interpretable by the environmental link and not the application programs. The environmental link sends the processed information to the application, Greanias et al., column 4 lines 14-27, column 12 lines 1-3, except when globally inhibited. **As in claims 33-35**, Kou teaches of said diagram and control sections, column 7 lines 21-56, wherein said diagram section is equivalent to a device or physical descriptor, well known to allow a device to identify how the user physically interacts with the device, and said control sections include inputs to the applications programs in response to user input controlling graphical display information as well known in USB HID usage.

(11) Response to Argument

The Appellants arguments can be addressed by an analysis of the Examiners rejection for the broadest claim, claim 3. The Appellant suggests the rejection of claims 1-53 stands or falls on the basis of the lacking elements of claim 3, that Tannenbaum and Greanias fail to teach. The Examiner disagrees with all of the Appellants arguments for the following reasons:

1) First Argument – Tannenbaum and Greanias fails to teach of a genre because the “user profile” cannot be properly read as said genre, argument found on page 5, line 17-27 of the Appeal Brief.

The Examiner disagrees with the Appellant. According to the Applicants specification on page 9 lines 19-23 a genre is defined as “a collection of games [or applications] having similarities in operation and input device usage. A genre description for a specific genre defines mappings between input device controls and actions to be performed in a game of the genre. These actions are defined in terms semantics or labels.”

In Tannenbaum a user profile is interpreted to function as the above defined genre. Tannenbaum teaches a user profile that is arranged for a particular application or user. Included in the user profile are commands which are common to all or several of the

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application programs, Greanias (column 10 lines 5-10). These commands included in the user profile are mapped to corresponding commands useable by the application program. The commands included in the user profile are equivalent to the actions defined in terms semantics or labels. Whether the user profile is for all application programs or a group comprising several of the application programs, it still reads on the Appellants definition and purpose for a genre. An application program genre is defined as a collection of games having similarities in operation, wherein games are another name for applications, and the similarity of the games/applications of Tannenbaum are the fact that they are grouped as applications for a specific user. A user profile is designed to function for the purpose of grouping a number of applications to one users preferences. The user profile includes semantics or commands that map or correlate with the actual input lexicon of the input device. Therefore the Appellants genre and semantic, as defined in the specification on page 9 lines 19-23, are met by Tannenbaum and Greanias, because for one the "user profile" groups applications of a specific type by virtue of being applications used by a specific user, and two it includes mappings to correlate with the actual input lexicon of the input device. Because Tannenbaum and Greanias teaches of having user profiles for multiple users, they therefore teach of more than one genre.

2) Second Argument - Tannenbaum and Greanias fails to include commands that are not interpretable by the application program, argument found on page 6 lines 1-8, 26-28 of the Appeal Brief.

The Examiner disagrees with the Appellant. Greanias teaches the environmental link module communicates with integrated operating environment and contains algorithms for the execution of the advanced user interface procedures. Whereby it takes the input messages and matches the input message to the corresponding commands in the appropriate application profile within the interface profile module, and initiates an action based on the set of instructions such as sending messages to the active application, column 4 lines 5-25. In other words, the environmental link interprets the input commands, which are mapped to the corresponding user profile command, which is sent by the environmental link to the application for interpretation. However this process includes the ability of the environment link to also interpret an input command as being mapped in the user profile to inhibit its input command from being sent to the application, and therefore the user profile would include commands that are not interpretable by the application program because they are inhibited from getting sent to the application program. The environmental link serves to route the input to the application, but also checks to ascertain priority and/or inhibition of input to the application. This occurs for example, if a left arrow gesture is recognized, the environment link looks in the current user's profile to determine if that gesture is globally inhibited. If not, the environment then determines the name of the active application and reads the corresponding application profile to determine what macro is linked to the left arrow gesture, for this application. The environment link then calls the macro execution utility if necessary. Therefore a circumstance exists wherein the user profile

includes commands that are not interpretable by the application. As explained commands or semantics found in the user profile may be globally inhibited or processed by the environmental link in the form of a macro.

3) Third Argument - In Greanias, the commands contained in a user profile are passed directly to the application programs by an “environmental link”, argument found on page 8 lines 14-17 of the Appeal Brief.

The Examiner disagrees with the Appellant. This statement by the Appellant is not true. As explained by Greanias on columns 11 and 12, commands or semantics found in the user profile may be globally inhibited or processed by the environmental link in the form of a macro. Therefore Greanias allows for the occurrence of the user input to be interpreted as “no input”, wherein the need to passed the command directly to the application program does not exist. An input command is recognized by the environmental link and no action is taken based on the inhibited map. Further, the environmental link is capable of executing a macro and therefore the command is executed by the environmental link and not the application.

SUMMARY

Tannenbaum and Greanias teaches of the appellants genre as defined in the specification, because for one the "user profile" groups applications of a specific type by virtue of being applications used by a specific user, and two, it includes mappings to correlate with the actual input lexicon of the input device. Because Tannenbaum and Greanias teaches of having user profiles for multiple users, they therefore teach of more than one genre. Commands or semantics found in the user profile may be globally inhibited or processed by the environmental link in the form of a macro, and therefore . the user profile which reads on the Appellants genre can be said to include commands that are not interpretable by the application program, because they are either processed or inhibited by the environmental link.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

David L. Lewis
August 26, 2003

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